

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

WALTER McCLAIN,

PETITIONER

V.

NO. 3:04CV140-M-B

MICHAEL MOORE,

RESPONDENT

**ORDER GRANTING RESPONDENT'S MOTION TO DISMISS AND DENYING
PETITIONER'S MOTION FOR SUMMARY JUDGMENT**

This cause comes before the court on the petition of Walter McClain for a writ of habeas corpus. Petitioner, who is currently confined by the Tennessee Department of Corrections following a conviction imposed by a Tennessee court which resulted in a 20 year sentence, was indicted on October 10, 2000, by a grand jury in Yalobusha County, Mississippi, on three counts. On November 6, 2001, the Yalobusha County Sheriff's Department lodged a detainer against the petitioner with the Tennessee Department of Corrections. Petitioner claims that his constitutional right to a speedy trial has been violated by the State of Mississippi, and in this petition asks that the charges against him be dismissed and the detainer be revoked.

The respondent has filed a motion to dismiss the petition as moot, and petitioner has moved for summary judgment. The respondent's motion to dismiss contains documents which clearly demonstrate that the detainer against petitioner was lifted on June 14, 2005, and that on June 30, 2005, the charges in Yalobusha County were remanded to the files and are no longer pending against petitioner. Hence the relief sought by petitioner has already been granted and his petition is moot. Accordingly, it is **ORDERED**:

1) petitioner's motion for summary judgment is denied;

2) the respondent's motion to dismiss as moot is granted; and

3) this action is closed.

SO ORDERED, this the 15th day of September, 2005.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE